

# Morgan Lewis

**Amy M. Dudash**

+1.302.574.7293

amy.dudash@morganlewis.com

November 8, 2022

**VIA CM/ECF**

Honorable Gregory B. Williams  
844 N. King Street, Room 6124  
Wilmington, DE 19801-3555

Re: *Nippon Shinyaku Co. v. Sarepta Therapeutics, Inc.*, C.A. No. 21-1015-GBW

Dear Judge Williams:

Pursuant to the Court's October 25, 2022 Oral Order (D.I. 129), the parties in the above-referenced action submit the attached Proposed Scheduling Order and request that the Court schedule a status conference. The parties were unable to reach agreement and have thus provided competing proposals for the dates set forth in the following paragraphs of the Proposed Scheduling Order: 3(e)-(h), 4(a), 4(f)(i), 4(f)(iii), 8, 9, 10, 12(a), and 12(b).

The parties also wish to call to Your Honor's attention that both parties are asserting infringement of their patents. Because there are patents asserted in both directions, the parties have proposed two sets of *Markman* briefs—that is, each side would serve an opening brief on its patents and then an answering brief regarding the patents asserted against it, etc., culminating in the construction of two joint claim construction briefs, one on each set of patents.

Counsel are available should the Court wish to discuss these disputes.

Respectfully submitted,



/s/ Amy M. Dudash

Amy M. Dudash (DE Bar No. 5741)

CC: Counsel of Record (Via CM/ECF)

**Morgan, Lewis & Bockius LLP**

1201 N. Market Street, Suite 2201  
Wilmington, DE 19801  
United States

 +1.302.574.3000  
 +1.302.574.3001